



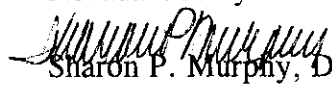
DEPARTMENT OF PERSONNEL

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MEMO PERD #19/97
May 12, 1997

MEMORANDUM

TO: Nevada County Libraries and Interested Parties

FROM:  Sharon P. Murphy, Director
Department of Personnel

SUBJECT: TEMPORARY REGULATION CHANGES

The temporary regulations included with this memorandum were adopted at the April 25, 1997, Personnel Commission meeting. They became effective April 28, 1997, upon filing with the Secretary of State. Revisions appear in **bold type**.

Temporary regulations automatically expire on November 1, 1997, unless they are approved for permanent adoption by the Legislative Commission. It is our intent to submit these regulations for permanent adoption at the September 12, 1997, meeting of the Personnel Commission. When they are adopted as permanent regulations and codified, they will be reproduced in final form for distribution to all recipients of the personnel rules.

SPM:dsb

Enclosure

NEVADA ADMINISTRATIVE CODE

CHAPTER 284

STATE PERSONNEL SYSTEM

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GENERAL PROVISIONS

NRS 284.010 states, "Legislative declaration of purpose.

1. The legislature declares that the purpose of this chapter is:
 - (a) To provide all citizens a fair and equal opportunity for public service;
 - (b) To establish conditions of service which will attract officers and employees of character and ability;
 - (c) To establish uniform job and salary classifications; and
 - (d) To increase the efficiency and economy of the agencies in the executive department of the state government by the improvement of methods of personnel administration.
2. The legislature declares that, in its considered judgment, the proper administration of the executive department of our state government requires the enactment of this chapter."

NRS 284.013 states in part, "Applicability; terms and conditions of employment of exempted persons; written contracts required for certain services.

1. ... this chapter does not apply to:
 - (a) Agencies, bureaus, commissions, officers or personnel in the legislative department or the judicial department of state government, including the commission on judicial discipline;
 - (b) Any person who is employed by a board, commission, committee or council created in chapters 590, 623 to 625A, inclusive, 628, 630 to 644, inclusive, 648, 652, 654 and 656 of NRS; or
 - (c) Officers or employees of any agency of the executive department of the state government who are exempted by specific statute."

NRS 284.022 states, "Inclusion of employees of certain governmental agencies in state personnel system. The department may include within the personnel system all employees of any governmental agency acquired for administration by the state."

NEW SECTION "Occupational study" defined:

"Occupational study" means a classification study of a group of positions in related classes and class series which is initiated by the department of personnel and subsequently approved by the commission.

NEW SECTION "Individual classification study" defined:

"Individual classification study" means a classification study initiated by an employee, an agency, or the department of personnel based upon a new position or significant change that has occurred in an existing position.

284.010 Definitions.

As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 284.022 to 284.112, inclusive, have the meanings ascribed to them in those sections.

(Supplied in codification; A by Dep't of Personnel, 10-26-84; 4-19-88; 8-1-91; 7-6-92; 3-23-94)

284.022 "Appointing authority" defined.

"Appointing authority" means an official, board or commission having the legal authority to make appointments to positions in the state service, or a person to whom the authority has been delegated by the official, board or commission.

[Personnel Div., Rule I Section D subsec. 3, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 10-26-84)

284.023 "Appointment" defined.

"Appointment" means the acceptance by an applicant of an offer of employment by an appointing authority and their mutual agreement as to a date of hire.

(Added to NAC by Dep't of Personnel, eff. 10-26-84)

284.026 "Break in service" defined.

"Break in service" means any separation from state service except for those separations listed in NAC 284.598.

[Personnel Div., Rule I Section D subsec. 4, eff. 8-11-73]

284.028 "Center for assessment" defined.

"Center for assessment" means a method of examination based upon an assessment and rating process which uses a series of oral, written and performance exercises.

(Added to NAC by Dep't of Personnel, eff. 11-12-93)

284.030 "Class" defined.

"Class" means a group of positions sufficiently similar with respect to their duties and responsibilities that the same title may be reasonably and fairly used to designate each position allocated to the class, substantially the same tests of fitness may be used, substantially the same minimum qualifications may be required and the same schedule of compensation may be applied with equity.

[Personnel Div., Rule I Section D subsec. 5, eff. 8-11-73]

284.034 "Class series" defined.

"Class series" means the normal line of progression from training, entry or preparatory levels to supervisory or administrative levels within a job specialty so that the minimum qualifications, tests of fitness and the duties and responsibilities of each class are similar but different in level.

[Personnel Div., Rule I Section D subsec. 6, eff. 8-11-73]

284.036 "Class specification" defined.

"Class specification" means a written description of a class, consisting of a title, a definition, examples of duties and the minimum qualifications which are required.

[Personnel Div., Rule I Section D subsec. 7, eff. 8-11-73]

284.038 "Classification" defined.

"Classification" means the systematic process of analytically grouping and allocating positions to classes based on the similarity of actual duties and responsibilities.

[Personnel Div., Rule I Section D subsec. 8, eff. 8-11-73]

284.042 "Classification plan" defined.

"Classification plan" means a listing of all the classes which have been established, the class specifications and the grade to which each is assigned.

[Personnel Div., Rule I Section D subsec. 9, eff. 8-11-73] – (NAC A by Dep't of Personnel, 10-26-84)

NRS 284.150 states in part, "Classified service: Composition;...

1. The classified service of the State of Nevada is comprised of all positions in the public service now existing or hereafter created which are not included in the unclassified service, and which provide services for any office, department, board, commission, bureau, agency or institution in the executive department of the state government operating by authority of the constitution or law and supported in whole or in part by any public money, whether the money is received from the Government of the United States or any branch or agency thereof, or from private or any other sources."

NRS 284.171 states, "Index of broad occupational classes. For the purposes of NRS 353.205 and 353.224, the director shall prepare and maintain an index which categorizes all positions in the classified and unclassified services of the state into the following broad occupational classes:

1. Occupations in the fields of agriculture and conservation.
2. Clerical and related occupations.
3. Occupations relating to custodial and domestic services.
4. Occupations relating to library services.
5. Occupations in the field of education.
6. Engineering and allied occupations.
7. Occupations in fiscal management and related staff services.
8. Occupations relating to legal services.
9. Occupations in the mechanical and construction trades.
10. Occupations in the fields of medicine and health and related services.
11. Occupations in regulatory fields and in public safety.
12. Occupations in social services and rehabilitation.
13. Other occupations."

NRS 284.172 states, "List of positions in classified service primarily performing data processing; approval of new position or reclassification to position on list.

1. The director shall prepare, maintain and revise as necessary a list of all positions in the classified service that consist primarily of performing data processing.
2. The request of any appointing authority that is required to use the equipment or services of the department of information services for a new position or the reclassification of an existing position to a position included on the list required by subsection 1 must be submitted to the director of the department of information services for approval before submission to the department of personnel."

NRS 353.224 states in part, "Approval of legislature or interim finance committee required for certain changes of positions.

1. A state agency other than the University and Community College System of Nevada and vocational licensing boards may not change a position for which money has been appropriated or authorized from one occupational class to another, as defined by the index developed pursuant to NRS 284.171, without the approval of the legislature or of the interim finance committee."

284.126 Creation of a new class, reclassification of position or reallocation of existing class.

1. For the purposes of this section:

- (a) "Agency personnel officer" means the director of personnel within the University and Community College System of Nevada or any person holding a position in the classified service with the title of personnel officer.
- (b) "Significant change" means a change in the duties and responsibilities assigned to a position in a class that:
 - (1) Is outside of the scope of the class as described by the class specification;
 - (2) Is not part of the scope of responsibility of the position; and
 - (3) Results in the preponderance of duties and responsibilities being allocated to a different class.

2. If an appointing authority or an employee proposes the creation of a new class, a reclassification of a position to a different class, or the reallocation of an existing class based upon a gradual accumulation of duties and responsibilities which results in a significant change and is intended to be permanent, the department of personnel or agency personnel officer must be notified on the appropriate form. If the creation, reclassification or reallocation is approved, the department of personnel will allocate the position to one of the existing classes in the classification plan or to a new, revised, or reallocated class as appropriate. The effective date will be the date form NPD-19 is received by the department of personnel or agency personnel officer unless information **concerning the incumbent's qualifications or information** which substantially affects the decision concerning the creation, reclassification or reallocation is received after this date. In that case, the effective date will be the date on which the appropriate information necessary to make the decision is received. If the form was prepared but delayed due to administrative or clerical error, the effective date must be determined by the appointing authority and must be based upon the date the form should reasonably have been submitted to the department of personnel or agency personnel officer. In no case, however, may a retroactive adjustment because of an administrative or clerical error exceed 6 months from the date of receipt.
3. If an agency makes or anticipates making a significant change in the duties for a position or the agency anticipates a reorganization which will require the reclassification of an existing position, the reallocation of an existing class or the creation of a new class, it shall advise the budget division of the department of administration or, in the case of the University and Community College System of Nevada, the budget division of the applicable institution. The proposed change may not be required of an employee nor be submitted to the department of personnel until funding for it is approved. If the change is approved by the department of personnel, the effective date will be determined by the budget division.
4. **In effecting a reclassification pursuant to subsection 2 and 3, an appointing authority must review and take into consideration the organizational structure and the qualifications of an incumbent before assigning new duties to a position which are intended to be permanent. No position will be reclassified to a higher grade through the individual classification process if the incumbent does not meet the minimum qualifications for the higher level position.**
5. The establishment of a new class, or reallocation of a class or a class series based on an occupational study conducted by the department of personnel, becomes effective when the funding is provided by the Nevada legislature in the biennial operating budget for the state.
6. From the date that the department of personnel formally announces the beginning of an occupational study until the date that the occupational study is funded by the Nevada legislature:
 - (a) An existing position in the occupational study that has a significant change may only be reclassified to an existing class.
7.
 - (b) An existing class in the occupational study must not be reallocated to a different pay grade.
 - (c) A new position may be allocated to an existing class or a new class as determined by the department of personnel.

[Personnel Div., Rule II Section D, subsec. 1, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 10-26-84; 7-21-89; 8-14-90; 12-26-91; 11-16-95)

284.130 Investigations of classifications.

The department of personnel may investigate the classification of any existing position on the written request of an appointing authority or an employee or on its own initiative.

[Personnel Div., Rule II Section E, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 10-26-84)

284.132 Temporary classifications.

1. An appointing authority, an employee or the department of personnel may request a temporary classification which allows the classification of a position for a temporary period of 1 year or less. Each promotion which is designated as temporary must have specific criteria established which justify the grade of the position and the projected date of expiration of the period. A position which no longer meets this criteria will revert back to the class from which it was reclassified. This method of classification is subject to the following conditions:
 - (a) Temporary classifications must meet the allocation standards and the criteria established for the higher class before this method may be used. The classification must be approved by the department of personnel before the promotion.
 - (b) An employee who is promoted into a temporary class must sign the payroll document. This signature acknowledges that the employee understands the conditions of the reclassification and its projected date of expiration.
2. If the employee meets the minimum qualifications for the temporary classification, he must:
 - (a) Be promoted;
 - (b) Retain his status of appointment; and
 - (c) Complete the remaining portion of any probationary period currently being served, if any, based on the requirements of the new class.

An incumbent who has reverted to his previous class is entitled to the step, date of record and status of appointment as though he had not been promoted.

3. An employee who is promoted pursuant to this section must receive a new date of record if his promotion results in an increase of at least two grades. The rate of compensation for the employee will be determined by the regulation governing compensation on promotion in NAC 284.170.
4. If an employee does not meet the minimum qualifications for a position which is temporarily reclassified pursuant to subsection 4 of NAC 284.138, he shall not be promoted, but may be eligible for a special salary adjustment as provided in NAC 284.206.
5. In case of a layoff, the temporarily assigned employee's class of layoff is his former class. The time served in the temporary class is counted for seniority purposes if it was in the same occupational class, as provided in NRS 284.171.

(Added to NAC by Dep't of Personnel, eff. 10-26-84)

284.134 Reclassification through individual classification process: Status of incumbents.

1. An incumbent who meets the minimum qualifications for an individual reclassification as provided in NAC 284.126 may be reclassified to a higher level. If the incumbent's position is reclassified as a result of an individual classification study the incumbent shall continue to serve in the position. He must:
 - (a) Be promoted;
 - (b) Retain his status of appointment; and
 - (c) Complete the remaining portion of any probationary period currently being served, if any, based on the requirements of the new class.
2. An employee who is reclassified pursuant to this section must receive a new date of record if his promotion results in an increase of at least two grades. The rate of compensation will be determined by the regulation governing compensation on promotion in NAC 284.170.

[Personnel Div., Rule II Section F subsecs. 1 & 2, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 10-26-84)

284.138 Reclassification through the occupational study process: Status of incumbent.

1. Except as otherwise provided in subsection 3 and 4, if a class or a position within a class is reclassified or reallocated to a higher grade as a result of an occupational study, the incumbent will continue to serve in the position and he:
 - (a) Must be promoted;
 - (b) Retains his status of appointment;
 - (c) **Retains his date of record; and**
 - (d) Must complete the remaining portion of the probationary period currently being served, if any, based on the requirements of the new class.
2. The rate of compensation for employees who are promoted will be determined by the provisions contained in NAC 284.170.
3. The provisions of subsection 1 do not apply to an incumbent who is filling a position in a class which is at a lower grade than the authorized level of the position unless the class held by the incumbent is reclassified or reallocated to a higher grade.
4. **If a position is reclassified to a higher grade level in a different occupational group as defined in NRS 284.171, the employee must meet the minimum qualifications of the higher level position prior to being promoted. If the employee does not meet the minimum qualifications, he shall not be promoted. The position will be temporarily reclassified per NAC 284.132 and the employee may be eligible for a special salary adjustment as provided in NAC 284.206. If the employee does not meet the higher level minimum qualifications after one year from the effective date of the reclassification, the duties must be reassigned and the position must be reclassified accordingly.**

[Personnel Div., Rule II Section F subsec. 4, 8-11-73; A 10-6-78] -- (NAC A by Dep't of Personnel, 10-26-84; 8-1-91; 12-26-91; 9-16-92)

284.140 Reclassification of a class or position to a lower grade: Status of incumbents.

1. If a class or position is reclassified to a lower grade, the incumbent's title and grade must be changed to the new class. He will retain his status of appointment and date of record. The rate of compensation will be determined by the provisions of NAC 284.290 governing compensation on retained rates or, if the employee does not meet these requirements, by the provisions of NAC 284.170 governing compensation on demotion.
2. The employee is eligible for reappointment to the same or a similar class from which he was reclassified.
3. The employee is entitled to reemployment rights to his former class and option in his department for 1 year from the date of notification of the reclassification to the lower grade if the employee and the agency provide the necessary information regarding the employee's seniority on the prescribed form.
4. If the employee is receiving a retained rate of pay and he declines the first opening which is offered to him for his previous class in his department and location, he forfeits his reemployment rights to the former class and must be immediately reclassified to the lower grade and the provisions of this chapter governing the salary of an employee on demotion apply.

(Added to NAC by Dep't of Personnel, eff. 10-26-84)

284.150 Class specifications.

1. Class specifications will define a class based on a sound, systematic occupational analysis and evaluation of the position and will contain elements sufficient to distinguish the various classes from one another. The use of a particular expression or illustration as to duties must not be interpreted to exclude others not mentioned but that are of similar kind and relevant to the class.
2. Any option within a class which is included in the class specification will be

- a separate class.
3. In determining the class to which any position will be allocated, the specification will be considered as a whole and in relation to others in the classification plan. The duties, responsibilities, qualifications, knowledge and abilities required for a class will be considered in relation to those for other classes in determining the kinds of positions which a class may include.
 4. The qualifications which are required for a particular class are the standards for the evaluation of applications for positions in that class. The department of personnel may, after consulting with appointing authorities, interpret these qualifications so that qualifications which are equivalent to those which are specified for the class may be accepted. The interpretation of qualifications which are considered equivalent must not circumvent the principles of selection on the basis of merit.
 5. Qualifications which are required to perform the essential functions of a position, such as possession of a valid driver's license, may be required by the appointing authority if :
 - (a) So indicated for the position at the time of public notice or appointment; or
 - (b) Written notice of the required qualifications is given to the employee. Any disagreement concerning the validity of the required qualifications may be submitted for adjustment pursuant to the procedure for the adjustment of grievances set forth in NAC 284.658 to 284.697, inclusive.

[Personnel Div., Rule II Section H, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 10-26-84; 8-1-91; 7-6-92; 7-1-94)

NRS 284.165 states in part, "Allocation of positions;..."

2. Any employee affected by the allocation of a position to a grade or class or by a change in classification, after filing with the director a written request for reconsideration thereof, must be given a reasonable opportunity to be heard thereon by the director.
3. Any employee who is aggrieved by the director's decision concerning an allocation or change in classification is entitled to have the decision reviewed by the commission if the employee submits a written request to the commission for such a review not later than 30 days after the director's decision."

284.152 Appeal of allocation of position or change in classification.

1. An employee affected by the allocation of a position to a grade or class or by a change in classification as a result of a study regarding classifications, or the agency where such actions have occurred, may, within 20 working days after the date of receipt of written notice of the action, file a written appeal of the action with the director. The appeal must:
 - (a) Address the points outlined in the department of personnel's recommendation regarding the proper classification for the position in question; and
 - (b) Indicate the points with which the appellant disagrees and express the reasons why he disagrees.
2. The director will issue a decision on the appeal within 20 working days after he receives the appeal unless he is prohibited from doing so because of the number of appeals resulting from a study regarding classifications.
3. The appellant or the agency affected by the decision may appeal it to the personnel commission within 30 days after receipt of written notice of the decision from the director.

(Added to NAC by Dep't of Personnel, eff. 9-17-87; A 3-1-96)

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COMPENSATION

NRS 284.175 states, "Plan for payment of classified employees: Regulations; factors for consideration.

1. After consultation with appointing authorities and state fiscal officers, and after a public hearing and approval by the commission, the director shall prescribe regulations for a pay plan for all employees in the classified service.

2. The pay plan and its amendments become effective only after approval by the commission and the governor.

3. The director shall prepare a pay plan and ranges for each class, grade or group of positions in the classified service. Each employee must be paid at one of the rates set forth in the pay plan for the class of position in which he is employed and at such time as necessary money is made available for the payment.

4. The director shall prescribe regulations that provide for progression through the rate ranges based on merit and fitness alone. The regulations become effective upon the approval of the commission.

5. In making recommendations during regular legislative sessions concerning salaries for the classified service of the state, the director shall consider factors such as:

(a) Surveys of salaries of comparable jobs in government and private industry within the State of Nevada and western states, where appropriate;

(b) Changes in the cost of living;

(c) The rate of turnover and difficulty of recruitment for particular positions; and

(d) Maintaining an equitable relationship among classifications."

NRS 281.123 states, "Limitation on maximum salary payable to persons employed by state.

1. Except as otherwise provided in subsection 3 or NRS 281.1233, or as authorized by statute referring specifically to that position, the salary of a person employed by the state or any agency of the state must not exceed 95 percent of the salary for the office of governor during the same period.

2. As used in subsection 1, the term "salary":

(a) Includes any:

(1) Payment received by an employee for being available to work although he was not actually required to perform the work;

(2) Increase in salary provided to compensate for a rise in the cost of living;

(3) Payment received under a plan established to encourage continuity of service; and

(4) Payment received as compensation for purportedly performing additional duties.

(b) Excludes any:

(1) Payment received as compensation for overtime even if that payment is otherwise authorized by law; and

(2) Rent or utilities supplied to an employee if he is required by statute or regulation to live in a particular dwelling.

3. The provisions of subsection 1 do not apply to the salaries of:

(a) Dentists and physicians employed full time by the state; or

(b) Officers and employees of the University and Community College System of Nevada."

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- (1) The first step in the grade of the class to which he was demoted; or
 - (2) A step in the grade of the class to which he was demoted which is equivalent to the salary to which he would have been entitled had he not been promoted, whichever is greater.
- (d) If the demotion is instituted by the appointing authority for disciplinary reasons and is not covered by paragraph (c), the appointing authority must determine the step in the lower grade at which the employee will be paid.
- (e) Except as otherwise provided in this paragraph, if the demotion occurs during the initial probationary period in state service, the employee must be placed at the first step in the class to which he is demoted. If such a demotion occurs because of a displacement due to a layoff or the restoration of an employee pursuant to NRS 284.300, the appointing authority may pay the demoted employee at any step in the lower grade that is not greater than his present salary.
4. If an employee is transferred to a position in the same or a related class, he must be placed at the corresponding step in the same grade that he held before the transfer. Any exception to this subsection must be approved by the department of personnel based upon a written request and justification for the exception submitted by the appointing authority.
5. If an employee is reappointed to a position:
 - (a) Which is in the grade which he currently holds, he retains his step.
 - (b) Which is in a higher grade and the appointment occurs within 1 year after the date on which he last held the grade, he must be placed at the step which he last held in that grade.
 - (c) Which is in a higher grade and the reappointment occurs more than 1 year after he held that grade, his salary must be calculated pursuant to subsection 2.Any exception to this subsection must be approved by the department of personnel based upon a written request and justification for the exception submitted by the appointing authority.
6. Except as otherwise provided in subsection 7, if a person is reemployed at:
 - (a) The same grade, there must be no change in step.
 - (b) A lower grade, he must be placed at a step which most closely corresponds to the grade and step which he held at the time of his layoff or separation.
 - (c) A higher grade and the appointment occurs within 1 year after the date on which he last held the grade, he must be placed at the step which he last held in that grade.An exception to this requirement may be made if the conditions in NAC 284.204 or 284.206 exist, or if money is not available as certified by the chief of the budget division of the department of administration or, in the case of an agency that is not funded from the state general fund or the University and Community College System of Nevada, as certified by the administrator of that agency or system. If an exception is made pursuant to this subsection, the employee retains his right of reemployment.
7. If a person who is eligible for military reemployment is reemployed, the period of his military service must be included in calculating the step at which he will be placed.
8. An employee who has been continuously employed without a break in service may not have his salary set below:
 - (a) Step 7 of any grade if his date of hire is before April 26, 1973; or
 - (b) Step 5 of any grade if his date of hire is before May 3, 1975, but on or after April 26, 1973, except for disciplinary reasons which result in demotion.
9. When a nonclassified or unclassified employee or an employee included in the personnel system pursuant to the provisions of NRS 284.022 is appointed without a break in service to the classified service, he may, at the discretion of the appointing authority:
 - (a) Be paid at a step which corresponds to or is below his current rate of pay if it is within the grade of the class to which he is appointed;

- (b) Be paid at the first step in the new grade to which he is appointed; or
- (c) Receive a special adjustment to his salary pursuant to subsection 1 of NAC 284.204 or 284.206.

10. An employee who was previously employed in the classified service and is appointed pursuant to the provisions of subsection 9 may not be paid at a step and grade which is greater than he received at the time he left the classified service, unless he has held the unclassified or nonclassified position for more than 1 year.

[Personnel Div., Rule III Section F, eff. 8-11-73; A 10-6-78] -- (NAC A by Dep't of Personnel, 10-26-84; 8-28-85; 5-27-86; 7-22-87; 9-17-87; 12-17-87; 7-21-89; 8-14-90; 8-1-91; 7-6-92; 3-23-94; 7-1-94; 3-1-96)

284.174 Eligibility for increase in salary based upon merit.

1. An employee whose last performance rating was standard or better and who has not attained the top step of his grade must receive an increase in his salary based upon merit of one step on his date of record and each year thereafter of employment equivalent to full-time service.
2. An employee with a substandard performance rating is not eligible for an increase in his salary based upon merit.

[Personnel Div., Rule III part Section G, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 10-26-84; 11-16-95)

284.182 Date of record: Adjustment and retention of date.

1. Except as otherwise provided in this section, an employee's date of record is 1 year of employment equivalent to full-time service from the date of the employee's appointment to his current grade.
2. An employee who receives a promotion or **individual** reclassification that results in an increase of at least two grades must receive a new date of record.
3. If an employee is in a position that is reclassified upward as a result of an occupational study, he retains his date of record.
4. An employee who is reinstated must receive a new date of record.
5. An employee who is demoted retains his date of record. If an employee was promoted but is being restored to his former position pursuant to the provisions of NAC 284.462, the date of appointment and date of record of the former position must be restored.
6. If an employee transfers to a position without receiving an increase in grade or is reappointed to a position at a grade he formerly held, he retains his date of record.
7. An employee's date of record must be adjusted for the amount of time in excess of 240 hours or, in the case of an excluded classified employee, 30 working days, that he spends on leave without pay and on catastrophic leave, combined, in a year, except for leave without pay pursuant to NRS 281.390 or NAC 284.580. An employee whose regular work schedule is more than 80 hours biweekly must be allotted additional leave without pay and catastrophic leave in proportion to the number of hours that his regular work schedule exceeds 80 hours biweekly. For the purpose of this subsection, the year begins on the employee's most recent date of appointment except when there is a retained date of record. In that instance, the year begins 1 year before the retained date of record. Each subsequent year begins on the date the employee attains his date of record.
8. A person who is rehired within 1 calendar year after having been laid off or received a seasonal separation will have his date of record adjusted on a day-for-day basis for the time during which he was not employed.
9. A person with a permanent disability arising from a disability related to work who is reemployed following a separation from state service within 1 year after the date on which he sustained the permanent disability as determined pursuant to NAC 284.6013 will have his date of record adjusted on a day-for-day basis for the time

he was not employed.

10. If a person is reemployed and has remained continuously employed, he retains his date of record.
11. If a person eligible for military reemployment is reemployed, he retains the date of record held when he separated from the state for his service in the military.
12. An employee who changes from working full-time to part-time or from part-time to full-time must have his date of record adjusted to equal 1 year of service equivalent to full-time service.
13. Service in:
 - (a) Provisional, temporary, special disabled and emergency status must be credited toward eligibility for an increase in salary based on merit if it is immediately followed by a probationary or permanent status.
 - (b) A seasonal position which is probationary or permanent must be credited toward eligibility for an increase in salary based on merit. If an incumbent's status of appointment is other than probationary or permanent, the provisions in paragraph (a) apply. An incumbent in a seasonal position must complete 1 year of employment equivalent to full-time service with the state before he is eligible for the increase.

[Personnel Div., Rule III part Section G, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 10-26-84; 8-28-85; 5-27-86; 8-22-86; 4-19-88; 7-21-89; 10-18-89; 3-27-92; 7-6-92; 9-16-92; 11-16-95; 3-1-96)

284.186 Date of promotion coinciding with date of record.

If the date of an eligible employee's promotion coincides with his date of record, an increase in salary based on merit must be granted first and the promotional increase must be applied to the higher rate.

[Personnel Div., Rule III part Section G, eff. 8-11-73; A 4-14-76] -- (NAC A by Dep't of Personnel, 10-26-84)

NRS 284.307 states, "Automatic advancement of person in training or preparatory position. An employee who holds a position classified as a training or preparatory position may advance automatically to a position having a higher classification after he meets the minimum qualifications for the higher classification and receives the recommendation of the appointing authority for that advancement."

284.190 Automatic advancement.

1. For the purposes of this section, "automatic advancement" means the progression of an employee to the authorized grade of the position, but not exceeding the journey level.

Automatic advancement occurs without recruitment and may occur without examination. It is based upon the employee's:

 - (a) Meeting of the minimum qualifications;
 - (b) Satisfactory performance; and
 - (c) Endorsement by his appointing authority.
2. In determining the status of an employee who has been promoted by an automatic advancement:
 - (a) The provisions in subsection 2 of NAC 284.170, governing compensation on promotion, apply.

- (b) If the employee had attained permanent status in the class from which he was promoted, he retains that status in the new level to which he was promoted. A subsequent promotion other than by automatic advancement places him in probationary status in that class.
- (c) If the employee had not attained permanent status in the class from which he was promoted, he must remain in probationary status in the new level until he has worked in that level for a period equal to the remaining portion of the probationary period that is required for the new level.

[Personnel Div., Rule I Section C subsec. 23, eff. 4-14-76; + Rule III part Section G, eff. 8-11-73; A 4-14-76] -- (NAC A by Dep't of Personnel, 10-26-84; 7-21-89; 11-16-95)

284.194 Granting or withholding of increase in salary based on merit.

1. An employee who is eligible must receive an increase in his salary based on merit of one step on his date of record and each year thereafter of employment equivalent to full-time service until he reaches the top of the grade.
2. An employee who has failed to receive an increase in salary based on merit because of a performance report which rates his performance as substandard is only entitled to receive that increase on the date designated and recorded on a subsequent performance report as the date on which his performance improved to standard or better. If a subsequent performance report is not filed with the director within 30 days after the date required by subsection 4 of NRS 284.340, the employee's performance will be deemed standard and he will be entitled to the increase effective on the date the performance report was due. The date a report is received by the director or an employee of the department of personnel is the date it is filed.
3. If an increase in salary based on merit is withheld as provided in subsection 2, the employee's date of record must not be affected.
4. Except as provided in NAC 284.202, no retroactive payment of an increase in salary based on merit may be given.

[Personnel Div., Rule III part Section G, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 10-26-84; 10-18-89; 11-16-95)

284.202 Increase in salary based on merit: Delay because of administrative or clerical error.

If an increase in salary based on merit is delayed solely because of an administrative or clerical error, the increase must be made effective as of the date it was properly due.

[Personnel Div., Rule III part Section G, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 10-26-84)

284.204 Adjustment of steps within same pay grade.

1. The department of personnel may approve an adjustment of steps within the same pay grade to:
 - (a) Meet a difficult recruiting problem if an effort to recruit a person for a position or class has failed to produce applications from at least five eligible persons who are available to work, or the recruitment for the position or class has been deemed historically difficult. Such an adjustment of steps may be approved by the department of personnel for a class for a period of 1 year.
 - (b) Employ a person who possesses qualifications which are superior to those of another eligible person if he possesses experience or education, or both, which exceed:
 - (1) The minimum qualifications of the class; and
 - (2) The experience and education of any other eligible person who is available.

- (i) An employee who occupies a position in which the duties have been recognized as being at a higher level through the position questionnaire process, but who does not meet the minimum qualifications for promotion to the new grade. The special adjustment may continue in effect from the date the position is reclassified or the position questionnaire is received until:
- (1) The employee meets the minimum qualifications and is promoted;
 - (2) One year from the effective date of the special salary adjustment; or
 - (3) The date the higher level duties are removed, whichever occurs first.
2. A request for a special adjustment to a salary made pursuant to this section may be initiated by an employee, the appointing authority or the department of personnel.
 3. A special adjustment authorized by this section does not constitute a promotion.
 4. Any special adjustment made pursuant to subsection 1 must be revoked when the conditions justifying it cease to exist.
 5. Except as otherwise provided in this section, the effective date of a special adjustment to a salary is the date the appropriate document is received by the department of personnel. If a special adjustment to a salary is delayed because an administrative or clerical error prevented the delivery of a prepared document to the department, the effective date must be determined by the appointing authority and must be based on the date the document should reasonably have been submitted to the department of personnel. A retroactive adjustment due to administrative or clerical error must not exceed 6 months from the date of receipt of the document.
- [Personnel Div., Rule III Section H, eff. 8-11-73; A 7-3-76] -- (NAC A by Dep't of Personnel, 10-26-84; 8-28-85; 5-27-86; 1-26-87; 9-17-87; 12-17-87; 7-14-88; 1-22-90; 8-14-90; 12-26-91; 11-12-93; 3-23-94; 11-16-95)

284.208 Compensation for dangerous duty or duty involving physical hardship.

1. As used in this section:
 - (a) "Dangerous duty" means work performed under such dangerous circumstances that an accident would probably result in serious injury or death.
 - (b) "Duty involving physical hardship" entails extreme physical discomfort which is not adequately alleviated by protective or mechanical devices.
2. Except as otherwise provided in this subsection, additional compensation equal to 10 percent of an employee's basic rate of pay must be paid for each hour in which he performs any dangerous duty or duty involving physical hardship. An excluded classified employee who performs any dangerous duty or duty involving physical hardship for any portion of a workday must receive the additional compensation for all of his regularly scheduled hours of employment on that workday.
3. The compensation applies only to employees who are subjected to unusual physical hardship or dangerous duties which are not an inherent part of the job and not regularly part of the job. These duties may appear in the job description, but must not be performed with sufficient regularity to constitute an element in fixing the grade of the position.
4. Only the following groups, under the conditions described, are entitled to receive pay for dangerous duty:
 - (a) Employees engaged in scuba or skin diving.
 - (b) Employees who perform duties at a height of more than 16 feet above the floor in a building or 16 feet above ground level outside of a building if the work is performed on portable equipment or outside of a railed or protected area.
 - (c) All employees, except pilots, for time spent in single engine aircraft or helicopters when required to do so by the employer.
 - (d) Employees required to handle or use explosives.

(Added to NAC by Dep't of Personnel, eff. 8-26-83; A 10-26-84; 9-17-87; 3-23-94)

284.210 Compensation for differentials in shifts.

1. Except as otherwise provided in this subsection, compensation equivalent to an adjustment of one grade must be authorized for an employee for all hours worked within a work shift if the employee is assigned to a qualifying shift. An excluded classified employee who is assigned to a qualifying shift for any portion of a workday must receive such compensation for all of his regularly scheduled hours of employment on that workday.
2. One shift qualifies an employee to receive the compensation.
3. The compensation applies during the time when an employee is on sick and annual leave, holidays and other leave with pay if the employee is still assigned to that shift when the leave is taken.
4. Any hours exceeding the qualifying 8-hour shift are eligible for overtime at the differential rate of pay for that shift if they are worked by an employee other than an excluded classified employee, in conjunction with, immediately before or following the shift.
5. As used in this section, "qualifying shift" means a scheduled period of work of at least 8 hours, of which 4 hours must fall within the hours from 6 p.m. to 7 a.m.
6. **A shift which qualifies for shift differential must be clearly designated on the employee's time sheet with the starting and stopping time and approved by the employee's supervisor.**

[Personnel Div., Rule III Section I, eff. 8-11-73; A 7-3-76] -- (NAC A by Dep't of Personnel, 12-17-87; 7-21-89; 3-23-94)

284.214 Compensation for being called out on emergency or called back to work: compensation for a person required to appear as witness.

1. **Except as otherwise provided in subsection 3, an employee must be credited with 2 hours of call back pay at the rate of time and one-half when an employer calls him back to work on an unscheduled basis, if he is called back to work without having been notified before the completion of his last normal working day.**
2. An employee who is required to appear as a witness in court or at an administrative hearing:
 - (a) During his regularly scheduled time off; and
 - (b) Concerning a matter which relates directly to his job, must be credited with 2 hours of **call back pay** at the rate of time and one-half **and overtime for hours worked in excess of 2 hours if he is so eligible.** If he receives a witness fee as well as this compensation, he shall relinquish the witness fee to the agency by which he is employed.
3. Subsection 1 does not apply to any:
 - (a) Employee who is **called into work from standby status.**
 - (b) Excluded classified employee or excluded unclassified employee.
 - (c) Employee who works part-time or intermittently unless he has worked 8 hours in a 24-hour day.
 - (d) Employee who performs duties which are pursuant to an understanding with the agency whereby the employee is given discretion as to performance of the duties and the duties are initiated by the action of the employee. In such a case, the employee receives compensation at the appropriate rate only for the actual time spent in the performance of those duties.
 - (e) Employee who is not required to leave the premises where he is residing or located at the time of notification in order to respond to a call.
 - (f) **Hours worked when an employee is called back to work and the work begins 1 hour or less before or after his shift.**
 - (g) **Hours worked in excess of the 2 hours credited pursuant to subsection 1. An employee who is called back to work and works in excess of the 2 hours**

authorized by subsection 1 must be credited with overtime at the rate of time and one-half if he is so eligible.

- (h) Employee who is called back to work when the time for beginning the work is set at the employee's request.
 - (i) Additional work time resulting from a subsequent call to report back to work when the work begins during the same 2 hour period previously credited for call back pay.
4. As used in this section, "eligible" means the employee meets the requirements of NRS 284.180 for overtime pay.

[Personnel Div., Rule III Section J, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 12-13-83; 10-26-84; 9-17-87; 11-12-93; 3-23-94)

NRS 481.147 states, "Payment for cadet attending authorized training academy and provided with free room and board prohibited. No pay for holding himself ready for duty may be authorized for a cadet attending an authorized training academy for which room and board is provided at no cost to the cadet."

284.218 Compensation for standby status.

1. A classified employee is entitled to receive additional pay, or equivalent compensatory time off, at the rate of 5 percent of his regular hourly rate for every hour he is in standby status.
2. Cash payment is the preferred method of compensation, but compensatory time off must be granted in lieu of cash payment if the employee requests compensatory time and the agency approves the request.
3. An employee is in standby status when he is:
 - (a) Directed to remain available for notification to work during specified hours;
 - (b) Prepared to work if the need arises, although the need for him to work might not arise;
 - (c) Able to report to work within a reasonable time;
 - (d) Directed by his supervisor to carry a paging device, provide a telephone number where he may be notified or provide any other acceptable means for notification; and
 - (e) Allowed to use the time he is waiting for notification to work for his personal pursuits.
4. When an employee begins the performance of his regular duties after receiving notice to work, he ceases to be on standby status and qualifies for straight time or overtime pay, whichever is applicable, for the actual time worked. Upon completion of the work, he returns to standby status for the remainder of the time he has been directed to be available to work.
5. Any class designated in the statutes as a 24-hour class does not automatically qualify for this additional pay.
6. This section does not apply to an excluded classified employee.

[Personnel Div., Rule III Section K, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 8-26-83; 10-26-84; 7-22-87; 3-23-94)

284.220 Change of time to or from daylight savings time.

1. An employee, other than an excluded classified employee or excluded unclassified employee, who loses an hour of work during his scheduled shift because of a change of time to daylight savings time may, with the approval of the appointing authority, elect to take an hour of annual leave, compensatory time or leave without pay or, if required by the agency, must be scheduled to work an additional hour.
2. An employee, other than an excluded classified employee or excluded unclassified

employee, who is required to work an additional hour during his scheduled shift because of a change of time to standard daylight time is entitled to receive overtime for pay or compensatory time as approved by the agency.
(Added to NAC by Dep't of Personnel, eff. 4-19-88; A 3-23-94)

NRS 284.180 states in part, "...overtime. 2. Credit for overtime work directed or approved by the head of an agency or his representative must be earned at the rate of time and one-half, except for those employees described in NRS 284.148.

3. Except as otherwise provided in subsections 4, 6 and 8, overtime is considered time worked in excess of:

- (a) Eight hours in 1 calendar day;**
- (b) Eight hours in any 16-hour period; or**
- (c) A 40-hour week.**

4. Firemen who choose and are approved for a 24-hour shift shall be deemed to work an average of 56 hours per week and 2,912 hours per year, regardless of the actual number of hours worked or on paid leave during any biweekly pay period. A fireman so assigned is entitled to receive 1/26 of his annual salary for each biweekly pay period. In addition, overtime must be considered time worked in excess of:

- (a) Twenty-four hours in one scheduled shift; or**
- (b) Fifty-three hours average per week during one work period for those hours worked or on paid leave.**

The appointing authority shall designate annually the length of the work period to be used in determining the work schedules for such firemen. In addition to the regular amount paid such a fireman for the deemed average of 56 hours per week, he is entitled to payment for the hours which comprise the difference between the 56-hour average and the overtime threshold of 53 hours average at a rate which will result in the equivalent of overtime payment for those hours.

5. The director, with the approval of the commission, shall adopt regulations to carry out the provisions of subsection 4.

6. For employees who choose and are approved for a variable workday, overtime will be considered only after working 40 hours in 1 week.

For employees who choose and are approved for a variable 80-hour work schedule within a biweekly pay period, overtime will be considered only after working 80 hours biweekly.

7. An agency may experiment with innovative work weeks upon the approval of the head of the agency and after majority consent of the affected employees.

8. This section does not supersede or conflict with existing contracts of employment for employees hired to work 24 hours a day in a home setting. Any future classification in which an employee will be required to work 24 hours a day in a home setting must be approved in advance by the commission.

9. All overtime must be approved in advance by the appointing authority or his designee. No officer or employee, other than a director of a department or the chairman of a board, commission or similar body, may authorize overtime for himself. The chairman of the board, commission or similar body must approve in advance all overtime worked by members of the board, commission or similar body.

10. The budget division of the department of administration shall review all overtime worked by employees of the executive department to ensure that overtime is held to a minimum. The budget division shall report quarterly to the state board of examiners the amount of overtime worked in the quarter within the various agencies of the state."

2. An employee's status of appointment is permanent when:
- (a) He has successfully completed the probationary period for a class; or
 - (b) His appointment did not require a probationary period and he does not hold another type of status of appointment.
- (Added to NAC by Dep't of Personnel, eff. 10-26-84; A 8-1-91)

NRS 284.254 states, "Preference on list for person separated from service because agency terminated. In establishing lists of eligible persons, a preference must be allowed for each person in the classified service who has been separated from the service because the agency by which he was employed was terminated pursuant to NRS 232B.100."

NRS 284.380 states in part, "Layoffs; reemployment lists.
4. The name of every regular employee so laid off must be placed on an appropriate reemployment list."

284.385 Reemployment.

1. Reemployment is a type of appointment which does not result in a break in service and other benefits as provided in this chapter.
2. The types of reemployment and the authority for these types are as follows:
 - (a) Military reemployment entitles the person to the same or similar class within the department in which he was previously employed when the provisions of 38 U.S.C. §§ 2021 to 2026, inclusive, are met.
 - (b) Layoff reemployment, when a layoff has occurred pursuant to NRS 284.254 or NRS 284.380, entitles the permanent employees who are affected to appointment to the class and option from which they were laid off, throughout the state service, and to other classes as provided in subsection 2 of NAC 284.390 and in NAC 284.630.
 - (c) Reemployment, when a position is reclassified to a lower grade, entitles the person to the class, option and department when the provisions of NAC 284.140 are met.
 - (d) Seasonal reemployment allows former seasonal employees to be reemployed when the provisions in NAC 284.434 are met.
 - (e) Reemployment because an employee sustained a permanent disability arising from a disability related to work entitles the person to reemployment by the department with which the employee was employed at the time he sustained his permanent disability as determined pursuant to NAC 284.6013 and within the same class and option as his regular position or in another class as provided in NAC 284.6014.
3. The grade of the class at which a person is reemployed cannot exceed the current grade of the class he formerly held.
4. **An employee shall not be reemployed in a position allocated at grade 30 or above if the position is at a higher grade level than the employee held prior to attaining reemployment rights.**

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 10-18-89; 8-1-91; 3-1-96)

NRS 284.330 states, "Reinstatement of permanent appointee after separation without prejudice. Any person who has held a position by permanent appointment in the classified service under the law and rules, and who has been separated from the service without prejudice, may be eligible for reinstatement to a position in the same or similar grade or class in the classified service, subject to the rules and regulations established in accordance with the provisions of this chapter."

INFORMATIONAL NOTE: For information regarding eligibility for group insurance upon reinstatement or rehire, refer to State Employees Group Insurance Benefits published by the State of Nevada Committee on Benefits.

NRS 286.440 "Redeposit of withdrawn contributions upon return to service: Procedure." may be found preceding NAC 284.611.

284.386 Separation without prejudice; reinstatement.

1. Except as otherwise provided in this subsection, an appointing authority may reinstate an employee within a 2-year period following his termination of employment if he was separated without prejudice. A separation without prejudice must be determined by the appointing authority in accordance with the standards contained in NRS 284.240. If an employee is laid off and is entitled to have his name appear on a reemployment list pursuant to NAC 284.630, the appointing authority may reinstate the employee within 2 years after the date on which his right to reemployment expires.
2. The grade of the class to which a person is reinstated cannot exceed the current grade of the class he formerly held.
3. A reinstatement to a similar class requires the approval by the department of personnel before the appointing authority may make a commitment to reinstate.
4. The person seeking a reinstatement must provide a new application to the appointing authority.
5. The person must meet the current minimum qualifications for the class for which the reinstatement is sought or for a similar class.
6. It is the responsibility of a person seeking the reinstatement to make his interest known to the hiring agencies.
7. **A person shall not be reinstated in a position allocated at grade 30 or above if the position is at a higher grade level than the position the person held at the time of his termination.**

[Personnel Div., Rule VI Section C, eff. 8-11-73; A 10-10-76] -- (NAC A by Dep't of Personnel, 8-26-83; 10-26-84; 10-18-89; 11-12-93)

NRS 284.375 states, "Transfers; reports of appointing authorities."

1. In accordance with regulations established by the director, transfers in the classified service may be made from a position in one grade or class to a position in another grade or class when the duties and compensation are similar and when such action is specifically approved by the director.
2. Each appointing authority shall report to the director in writing, from time to time, upon the date of the official action in, or knowledge of, any transfer of a person in the public service."

284.390 Transfers.

1. Except as otherwise provided in this subsection, an appointing authority may, after giving 5 working days' notice, transfer for the convenience of the state any employee from one position to another position in the same or a related class. The notice need not be given if the transfer does not exceed 10 working days. If a bona fide or justifiable emergency exists, a transfer may be made immediately with the prior approval of the department of personnel. This may not be used to harass or discipline an employee.
2. Any permanent employee required to transfer to a different geographical location, as defined in NAC 284.612, who declines the transfer has the same rights provided in NAC 284.630 as an employee who is laid off.
3. Upon the request of an employee, he may transfer from a position under the jurisdiction of one appointing authority to a position under the jurisdiction of another appointing authority if the positions are in the same or a related class. The position

which the employee is being transferred may be in a location different from which he is being transferred.

4. A transfer of an employee to a position in a related class may require the completion of an application by the employee to determine his qualifications. A transfer to a related class may not exceed the grade of the employee's former class.
5. A transfer may not be made to harass or discipline an employee.
6. An employee who desires a transfer to a position in his current class must make his interest known to:
 - (a) The hiring agency, following its procedures for transfer;
 - (b) The department of personnel by requesting, on a form provided by the department of personnel, that his name be placed on the appropriate list; or
 - (c) Both the hiring agency and the department of personnel.
7. An employee who desires a transfer to a position in a related class must make his interest known to the hiring agency.
8. **An employee shall not transfer through non-competitive means to a position allocated at grade 30 or above if the position is at a higher grade level than the position the employee currently occupies.**

[Personnel Div., Rule VI Section D subsecs. 1-4, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 8-26-83; 10-26-84; 6-18-86; 7-21-89; 8-1-91)

NRS 284.376 states, "Involuntary transfer; hearing; remedies."

1. Within 10 working days after the effective date of his transfer pursuant to the provisions of NRS 284.375, a permanent classified employee who has been transferred without his consent may request in writing a hearing before the hearing officer of the department to determine whether the transfer was made for the purpose of harassing the employee. The request may be made by mail and shall be deemed timely if it is postmarked within 10 working days after the effective date of the employee's transfer. The hearing must be conducted in accordance with the procedures set forth in NRS 284.390 to 284.405, inclusive.

2. If the hearing officer determines that the transfer was made for the purpose of harassing the employee, the transfer must be set aside and the employee must be returned to his former position. If the transfer caused the employee to be away from his original headquarters, the employee is entitled to be paid expense allowances as provided in NRS 281.160 for the period the transfer was in effect.

3. The decision of the hearing officer is binding on the parties."

284.394 Appeal of involuntary transfer.

1. If an employee requests a hearing to protest an involuntary transfer pursuant to NRS 284.376, the appointing authority may temporarily assign, on a per diem basis, the employee to transfer pending disposition of the appeal.
2. An employee who has been involuntarily transferred is entitled to receive, upon request, a total of up to 8 hours of administrative leave to prepare for all hearings which relate to the involuntary transfer.

[Personnel Div., Rule VI Section D subsec. 5, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 10-18-89)

NRS 284.360 states in part, "Leave of absence without pay."

1. Any person holding a permanent position in the classified service may be granted a leave of absence without pay. Leave of absence may be granted to any person holding a position in the classified service to permit acceptance of an appointive position in the unclassified service. Leave of absence must be granted to any person holding a position in the classified service to permit acceptance of a position in the legislative branch during a regular or special session of the legislature, including a reasonable period before and after the session if the entire period of employment in the legislative branch is continuous."

NRS 284.3775 states, "Transfer of employee of supreme court, unclassified service or legislative branch to classified service; exceptions; rights of employee in classified service who accepted position in legislative branch.

1. Except as otherwise provided in this section, employees of the supreme court, employees in the unclassified service of the executive branch of the government of the State of Nevada, or employees of the legislative branch of the government of the State of Nevada who have served for 4 consecutive months or more are entitled to transfer to a position having similar duties and compensation in the classified service of the state on the same basis as employees may transfer within the classified service from a position under one appointing authority to a position under another appointing authority. The benefit conferred by this subsection includes any exemption from the taking of a competitive examination, retention of credits for annual and sick leave and longevity, and priority on the lists of eligible persons to the extent that such privileges are accorded to employees transferring within the classified service.

2. Except as otherwise provided in subsection 4, the benefits conferred by subsection 1 do not apply to an employee in the unclassified service who is the chief officer of a department or division.

3. Except as otherwise provided in this subsection and subsection 4, a person may not transfer pursuant to subsection 1 to a class composed of:

(a) Professionally qualified persons; or

(b) Officers and administrators who set broad policies and exercise responsibility for the execution of those policies.

A person may transfer to a class described in paragraph (a) or (b) if that class is provided for pursuant to subsection 2 of NRS 284.155.

4. The restrictions provided in subsection 2 and 3 do not apply to an employee of the supreme court, an employee in the unclassified service of the executive branch of government or an employee of the legislative branch of government whose appointment to that position was immediately preceded by an appointment in the classified service, except that such an employee may only transfer to a position in the classified service that has duties and compensation that are similar either to his current position or to a position he previously held in the classified service.

5. An employee in the classified service of the state who is granted leave without pay to accept a position in the legislative branch of government during a regular or special session:

(a) Is entitled to be restored to his previous position in the classified service upon the completion of the legislative session without loss of seniority or benefits. Seniority must be calculated as if he had not taken the leave.

(b) Is eligible to fill vacancies in positions within the classified service to the extent that he would be eligible if he was not on leave from his position in the classified service."

284.398 Transfer to classified service.

1. An unclassified employee who has less than 4 months of service and whose appointment was immediately preceded by an appointment in the classified service in which the person was a permanent employee may transfer back into the classified service under the same conditions and with the same benefits as classified employees, except that the duties and compensation of the position to which the person is transferred must be similar, as determined by the department of personnel, to either the unclassified position or to a previously held classified position.
2. Employees of any governmental agency which is acquired for administration by the state pursuant to NRS 284.022 may transfer into the classified service or unclassified service with the rights and benefits authorized by the legislature.
3. An employee who transfers into the classified service:
 - (a) Must complete an application and meet the minimum requirements for qualification to the class of the position to which he is transferring;

- (b) Must have his date of transfer and appointment to the classified position effective immediately following the last day of employment in the unclassified or nonclassified position; and
 - (c) May retain the credits which he has earned for annual and sick leave and longevity.
4. A transfer of an employee to a similar class requires the approval of the department of personnel.

[Personnel Div., Rule VI Section D subsec. 6, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 10-26-84; 7-14-88; 1-22-90; 8-1-91; 3-23-94)

284.400 Acceptance of new appointment: notice to current appointing authority.

An employee under the jurisdiction of one appointing authority who accepts an appointment to a position under the jurisdiction of another appointing authority shall provide not less than 2 weeks' written notice to his current appointing authority before beginning service in the new position, unless the employee and both appointing authorities mutually agree to a shorter period of notice.

(Added to NAC by the Dep't. of Personnel, eff. 11-16-95)

284.402 Voluntary demotions.

1. An employee may request or accept a demotion to a position in a class with a lower grade. The demotion may be permitted if the employee meets the minimum qualifications and if the appointing authority approves.
2. **An employee shall not demote through non-competitive means to a position allocated at grade 30 or above if the position is at a higher grade level than the position the employee currently occupies.**

[Personnel Div., Rule VI Section E, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 10-26-84)

284.404 Reappointment.

1. An employee may be reappointed to a class he formerly held or to a comparable class if he meets the current minimum qualifications and the appointing authority approves.
2. An employee who desires reappointment must make his interest known to the hiring agency.
3. The grade of the class to which an employee is reappointed must not exceed the current grade of the class he formerly held.
4. The department of personnel must approve reappointment to a comparable class.
5. **An employee shall not be reappointed to a position allocated at grade 30 or above if the position is at a higher grade level than the position the employee formerly held.**

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 8-1-91)

NRS 284.310 states, "Provisional appointments:

1. Whenever there are urgent reasons for filling a vacancy in any position in the classified service and the director is unable to certify from any appropriate eligible list for the vacancy, the director may issue a provisional permit or certify a suitable person to fill the vacancy provisionally only until a selection and appointment can be made after competitive examination.

2. No person may receive more than one provisional appointment or serve more than 6 months in any 12-month period as a provisional appointee.

3. A provisional appointee must meet the minimum qualifications established for the class of positions involved."

284.406 Provisional appointments.

1. An appointing authority may make an appointment pursuant to NRS 284.310 if:
 - (a) There are fewer than four ranks of eligible persons available for appointment to the position; and
 - (b) The authority obtains the prior approval of the department of personnel. If approved, the department of personnel will begin the recruitment within 30 days after the effective date of the appointment.
2. The status of appointment of an employee appointed pursuant to this section is that of provisional.
3. An appointing authority shall not continue to employ an employee with provisional status for longer than 30 days after a recruitment has produced five or more ranks of eligible persons who are available for appointment to the position.

[Personnel Div., Rule VI Section G, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 10-26-84; 11-16-95)

NRS 284.315 states, "Emergency appointment. In case of an emergency, an appointment may be made without regard to the provisions of this chapter relative to appointments, but in no case shall such appointment continue longer than 60 working days in any 12-month period."

284.410 Emergency appointment status.

1. An appointing authority may make an appointment pursuant to NRS 284.315 when the appointment is necessary to prevent the stoppage of public business, loss of life or extensive damage to persons or property.
2. The status of appointment of an employee appointed pursuant to this section is that of emergency.

[Personnel Div., Rule VI Section H, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 10-26-84)

NRS 284.325 states, "Temporary appointment.

1. The director shall adopt regulations not inconsistent with this section for the certification of qualified persons for temporary service.
2. Except as otherwise provided in subsection 3, temporary positions which occur, terminate or recur periodically must be filled by certification in accordance with regulations established by the director.
3. An agency may appoint persons temporarily for less than 160 cumulative hours during any calendar year without regard to the regulations adopted by the director pursuant to subsection 1.
4. The limitation on hours set forth in subsection 3 does not apply to temporary or part-time service by:
 - (a) A pupil attending his last 2 years of high school;
 - (b) A student employed by the college or university he attends;
 - (c) A person certified for temporary service in accordance with NRS 284.327;
 - (d) An employee of an events center, museum or research center of the University and Community College System of Nevada;
 - (e) A person employed by the University and Community College System of Nevada in a temporary position which recurs periodically for the registration of students; or
 - (f) A person employed by the University and Community College System of Nevada to provide such assistance to a student with a disability or to a student with an identified academic disadvantage as it determines is necessary for the academic success of the student, including, without limitation, a person employed as a tutor, note taker, reader, sign interpreter or test proctor.

5. The acceptance or refusal by an eligible person of a temporary appointment does not affect his standing on the register for permanent employment, nor may the period of temporary service be counted as part of the probationary period in case of subsequent appointment to a permanent position.

6. Successive temporary appointments to the same position must not be made under this section.

7. As used in this section, "student with an identified academic disadvantage" includes, without limitation, a student who the University and Community College System of Nevada has determined requires the services of a tutor for success in a course of study."

284.414 Temporary appointments.

1. A temporary appointment must not exceed 6 months in any 12-month period unless the appointment is authorized as a replacement for an employee who is receiving benefits for temporary total disability pursuant to chapters 616A to 616D, inclusive, or 617 of NRS. The appointing authority shall indicate the probable duration of employment on his request for certification. Upon receipt of this request, the department will certify the names of eligible persons from the appropriate eligible list who have noted that they will accept employment for the duration of the employment indicated.
2. Service under a temporary appointment immediately preceding appointment to a permanent position must be credited towards annual leave and merit salary increases. Sick leave may be earned for each month of service pursuant to NRS 284.355.
3. A special temporary appointment to a position within the University and Community College System of Nevada may not be used to fill regularly budgeted positions. Such appointments may be made without regard to the rules on certification or appointment and may be made on forms and under procedures prescribed by the University and approved by the department. Time served under a special temporary appointment may be credited towards annual leave, sick leave or merit salary increases if the temporary appointment is immediately followed by a probationary or a permanent appointment. [Personnel Div., Rule VI Section I, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 7-22-87; 7-21-89)

NRS 284.317 states, "Appointment of persons with disabilities. In order to further the efforts of the State of Nevada toward alleviating the problems of persons with disabilities, full consideration must be given to the employment of a person with a disability for a position if he is capable of meeting the necessary performance requirements with or without reasonable accommodation."

NRS 284.327 states, "Temporary limited appointment of persons with disabilities.

1. To assist persons with disabilities certified by the rehabilitation division of the department of employment, training and rehabilitation, appointing authorities are encouraged and authorized to make temporary limited appointments of certified persons with disabilities for a period not to exceed 700 hours notwithstanding that the positions so filled are continuing positions. A person with a disability who is certified by the rehabilitation division must be placed on the appropriate list for which he is eligible. Each such person must possess the training and experience necessary for the position for which he is certified. The rehabilitation division must be notified of an appointing authority's request for a list of eligibility on which the names of one or more certified persons with disabilities appear. A temporary limited appointment of a certified person with a disability pursuant to this section constitutes the person's examination as required by NRS 284.215.

2. The director shall adopt regulations to carry out the provisions of subsection 1.
3. This section does not deter or prevent appointing authorities from employing:
 - (a) A person with a disability if he is available and eligible for permanent employment.
 - (b) A person with a disability who is employed pursuant to the provisions of subsection 1 in permanent employment if he qualifies for permanent employment before the termination of his temporary limited appointment.
4. If a person appointed pursuant to this section is subsequently appointed to a permanent position during or after the 700-hour period, the 700 hours or portion thereof counts toward the employee's probationary period."

284.416 Temporary limited appointment of persons with disabilities.

The status of the appointment of an employee appointed pursuant to NRS 284.327 is that of special disabled.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 7-6-92)

284.434 Seasonal positions.

1. An appointment to a seasonal position may not exceed 9 months (full-time equivalent) in any 12-month period. A separation from a seasonal position which is a result of the lack of money or the lack of work must be made in accordance with NAC 284.608.
2. In filling a seasonal position, persons eligible for seasonal reemployment must be offered employment in the order they appear on the reemployment list before another type of list of eligible persons may be used.
3. Reemployment rights extending 1 year from the date of a seasonal employee's date of separation:
 - (a) Must be granted if the employee has permanent employee status; or
 - (b) May be granted, at the discretion of the appointing authority, if the employee does not have permanent employee status, if the employee's last performance report was standard or better.
4. For the purposes of this section, a person's right to reemployment is limited to a seasonal position in the same class, option and department in which he last worked, except that an appointing authority may:
 - (a) Reemploy a former employee who held a seasonal position in another department if he is otherwise eligible.
 - (b) Reemploy a former employee who held a seasonal position in a comparable class if he is otherwise eligible and the department of personnel approves.
5. To be eligible for reemployment the former employee must notify the agency, in writing, stating the locations where he seeks reemployment and he must be available for the entire term of employment.
6. Seasonal reemployment lists must be maintained by the employing department, taking into account the provisions in subsection 4 of NAC 284.362, and subsections 3, 4 and 5 of this section.
7. An incumbent in a seasonal position may not be transferred or otherwise appointed to a permanent position unless the appointment is made pursuant to this chapter.
8. An incumbent in a permanent position may request a seasonal position. By the voluntary acceptance of a seasonal position, an employee gives up any right to return to his former permanent position but, if eligible, may be reappointed.

[Personnel Div., Rule VI part Section J, eff. 3-3-77] -- (NAC A by Dep't of Personnel, 10-26-84; 8-1-91; 11-16-95)

INFORMATIONAL NOTE: NRS 281.100 "Hours of service of employees of state and political subdivisions; exceptions; penalty." may be found preceding NAC 284.242.

NRS 281.110 states, "State offices to maintain 40-hour work weeks; variable schedules for work week; hours to remain open.

1. The offices of all state officers, departments, boards, commissions and agencies shall:
 - (a) Maintain not less than a 40-hour work week.
 - (b) Be open for the transaction of business at least from 8 a.m. until 12 p.m. and from 1 p.m. until 5 p.m. every day of the year, with the exception of Saturdays, Sundays and legal holidays. Variable work week scheduling may be required in those agencies where coverage is needed on Saturdays, Sundays and legal holidays.
2. The offices of all state officers, departments, boards, commissions and agencies shall remain open during the noon hour of each regular working day if any such office has more than one person on its staff."

NRS 284.180 (innovative workweeks) states in part, "7. An agency may experiment with innovative workweeks upon the approval of the head of the agency and after majority consent of the affected employees."

284.524 Workweeks and workdays; periods for rest and meals.

1. The work week for state employees is 40 hours, except that work weeks of a different number of hours may be established in order to meet the needs of different state agencies in compliance with the provisions of NRS 281.100, 281.110 and 284.180. The workday for a full-time state employee who works a standard or nonstandard work schedule consists of two, 4-hour work periods separated by a 1/2- to 1-hour meal period. A rest period of 15 minutes must be granted for each 4-hour period of work and, insofar as practicable, must occur in the middle of the period of work.
2. Except as otherwise provided in subsections 3 and 4, an appointing authority shall provide a meal period and rest period to an employee who has an innovative work schedule during each workday as follows:
 - (a) A 1/2- to 1-hour meal period must be provided during each period of work that exceeds 5 hours. Insofar as practicable, the meal period must occur in the middle of the work shift.
 - (b) A rest period of 15 minutes must be provided for each 4-hour period of work and, insofar as practicable, must occur in the middle of the period of work.
3. The requirement to relieve an employee for a 1/2 - to 1-hour meal period does not apply to an employee who receives a paid meal period.
4. The requirement for a rest period does not apply to an employee of:
 - (a) A correctional institution who:
 - (1) Works directly with the inmates at the institution; and
 - (2) Works a straight 8-hour work shift.
 - (b) The mental hygiene and mental retardation division of the department of human resources who:
 - (1) Maintains or monitors the equipment in a heat plant which operates 24 hours a day; and
 - (2) Works a straight 8-hour work shift.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 4-20-90; 8-1-91; 11-12-93)

284.525 Reduction of hours by mutual agreement.

By mutual agreement, an appointing authority and an employee may reduce the employee's working hours to less than full-time.

(Added to NAC by Dep't of Personnel, eff. 10-26-84)

284.5255 Time sheets.

1. Except as otherwise provided in subsection 2, an employee shall provide an accurate accounting of the **starting and stopping time for each work shift**, hours worked, **regular days off** and leave used during a pay period on the appropriate form provided by his employer. **Entries shall be made to account for all hours in the work period** as prescribed by his employer. The employee shall submit the form in a timely manner to his supervisor or the designated representative of the supervisor.
2. An excluded classified employee or excluded unclassified employee shall provide on the appropriate form an accurate accounting of leave used pursuant to NAC 284.5895.
3. An employee who falsifies his time sheet or who causes or attempts to cause another employee to falsify a time sheet may be subject to disciplinary action pursuant to NAC 284.650.
4. An employee's supervisor is responsible for reviewing the time sheet and certifying the accuracy of all hours worked and leave used by the employee. If an entry on an employee's time sheet is contested by an employee's supervisor, the employee will be entitled to his base pay for the workweek in question. The contested entry must be resolved as soon as practicable and any adjustment must be made during the next pay period following the resolution of the contested entry.
5. A supervisor who is negligent in reviewing and certifying the accuracy of an employee's time sheet may be subject to disciplinary action pursuant to NAC 284.650.

(Added to NAC by Dep't. of Personnel, eff. 3-1-96)

NRS 236.015 states in part, "Legal holidays; closing of state, county and city offices, courts, banks, savings and loan associations, public schools and University and Community College System of Nevada.

1. The following days are declared to be legal holidays for state, county and city governmental offices:

January 1 (New Year's Day)

Third Monday in January (Martin Luther King, Jr.'s Birthday)

Third Monday in February (Washington's Birthday)

Last Monday in May (Memorial Day)

July 4 (Independence Day)

First Monday in September (Labor Day)

October 31 (Nevada Day)

November 11 (Veterans' Day)

Fourth Thursday in November (Thanksgiving Day)

Friday following the fourth Thursday in November (Family Day)

December 25 (Christmas Day)

Any day that may be appointed by the President of the United States for public fast, thanksgiving or as a legal holiday except for any Presidential appointment of the fourth Monday in October as Veterans' Day.

2. Except as otherwise provided by NRS 293.557, all state, county and city offices, courts, banks, savings and loan associations, public schools and the University and Community College System of Nevada must close on the legal holidays enumerated in subsection 1 unless in the case of appointed holidays all or a part thereof are specifically exempted.

3. If January 1, July 4, October 31, November 11 or December 25 falls upon a:

(a) Sunday, the Monday following must be observed as a legal holiday.

(b) Saturday, the Friday preceding must be observed as a legal holiday."

284.526 Computation of payments for holidays.

1. For the purpose of this section, "paid status" means the time an employee is working, is on leave approved pursuant to NAC 284.580 or is on leave with pay, excluding overtime hours.
2. A full-time employee working other than a standard work week is entitled to the same number of paid holidays as a full-time employee working the equivalent standard work week.
3. Except as otherwise provided in subsections 11 and 12, a full-time employee who works 40 hours per week, does not work on a holiday and is in paid status during any portion of his scheduled shift immediately before the holiday is entitled to receive 8 hours of holiday pay.
4. Except as otherwise provided in subsections 11 and 12, a full-time employee who works more than 40 hours per week or 80 hours biweekly, is not scheduled to work on a holiday and is in paid status during any portion of his scheduled shift before the holiday is entitled to receive an amount of holiday pay equal to the pay received for his average workday. The average workday of an employee is determined by dividing the total scheduled hours of work per year by 2,088 and multiplying the quotient by 8. For the purposes of this subsection, a fireman assigned to a 24-hour shift shall be deemed to work 56 hours per week and 2,912 hours per year.
5. Except as otherwise provided in subsection 11 and 12, an employee who is scheduled to work on a holiday and who works any portion of his scheduled shift is eligible to receive holiday pay in the amount provided in subsection 3 or 4. The employee is entitled to earn additional holiday pay on an hour for hour basis for any hours worked in addition to the period represented by the holiday pay if the hours are worked as part of the employee's normally scheduled shift. Any hours worked in addition to the normally scheduled shift do not qualify for additional holiday pay.
6. An employee who works on a holiday must be in paid status on that holiday for the amount of time which is the difference between the time represented by his holiday pay and his normal work schedule for that holiday. If the employee has not worked enough hours to be in paid status, he must use sick leave, annual leave or compensatory time to make up the difference.
7. Except as otherwise provided in subsection 11, an employee who is scheduled to work on a holiday, but does not work is eligible for holiday pay in the manner provided in subsection 3 or 4.
8. A full-time employee whose employment begins on a holiday is entitled to receive holiday pay in accordance with subsection 3 or 4 if he is in paid status during his scheduled shift.
9. A full-time employee whose regular schedule of work is more than 8 hours, but who has the day off because of a holiday, may use annual leave, compensatory leave, or have his schedule adjusted for the amount of time in excess of the holiday pay to which he would be entitled pursuant to subsection 3 or 4. An employee who does not elect to use annual leave or compensatory time and whose schedule is not adjusted may, with the approval of the appointing authority, be placed on a leave of absence without pay.
10. An employee working a part-time standard, nonstandard or innovative work week must be paid holiday pay if:
 - (a) The holiday falls on a scheduled workday; and
 - (b) He is in paid status during his scheduled shift immediately before the holiday or on the holiday if his employment begins on that day.The amount of holiday pay must not exceed 8 hours but must otherwise equal what he would have been paid if there had not been a holiday.
11. An employee scheduled to work on a holiday who fails to report his absence to his supervisor or a designated representative as required by NAC 284.590 is not entitled to receive compensation for the holiday.

12. An employee whose employment is terminated:
 - (a) The day before the holiday is not entitled to receive compensation for the holiday.
 - (b) On a holiday on which he is working must be paid an amount for the holiday in proportion to the time he actually worked on the holiday. When an employee gives notice to terminate on a holiday and is not scheduled to work on the holiday, the last day worked or in paid leave status is his date of termination.
13. An employee who transfers the day before a holiday becomes an employee of record in the new agency on the holiday and is entitled to receive compensation for the holiday from the new agency. An employee who transfers from an agency at the end of a shift on a holiday is entitled to receive compensation for the holiday from the previous agency.
14. An employee whose employment is not full-time employment is entitled to be paid holiday pay as provided in subsection 10.
15. Subsections 1 to 14, inclusive, do not apply to an excluded classified employee or excluded unclassified employee. The salary of an excluded classified employee or excluded unclassified employee must not be reduced solely because a holiday occurs on a scheduled workday of that employee.

[Personnel Div., Rule VII Section B subsec. 2, eff. 8-11-73; A 7-3-76] -- (NAC A by Dep't of Personnel, 10-26-84; 8-28-85; 1-26-87; 9-17-87; 4-19-88; 7-14-88; 7-21-89; 9-13-91; 9-16-92; 11-12-93; 3-23-94)

284.530 Compensation for working on holidays.

1. An employee, other than an excluded classified employee or excluded unclassified employee, must receive either time and one-half cash payment or time and one-half compensatory time for holidays worked.
2. An employee entitled to a cash payment pursuant to subsection 1 who works on a holiday may elect to receive compensatory time off for the holiday in lieu of any cash payment pursuant to NAC 284.526 if such an election does not exceed the limits on compensatory time imposed by NAC 284.250. All hours in excess of those limits must be paid in cash. The provisions of this subsection do not apply to a fireman who works a 24-hour shift.

[Personnel Div., Rule VII Section B part subsec. 3, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 7-21-89; 9-13-91; 3-23-94)

284.534 Compensation for holiday on employee's day off.

1. Except as otherwise provided in subsection 2, if a holiday occurs on a full-time employee's day off, the appointing authority may:
 - (a) Adjust the employee's schedule of work for the week during which the holiday occurs;
 - (b) Credit the employee with compensatory time; or
 - (c) Pay the employee for the holiday, if he is in paid status during his scheduled shift before the holiday.
2. Subsection 1 does not apply to an excluded classified employee or excluded unclassified employee. If a holiday occurs on an excluded classified employee's or excluded unclassified employee's day off, the appointing authority may adjust the employee's schedule of work for the week during which the holiday occurs or for a subsequent week.

[Personnel Div., Rule VII Section B part subsec. 3, eff. 8-11-73; A 7-3-76]--(NAC A by Dep't of Personnel, 8-28-85; 1-26-87; 7-21-89; 9-13-91; 3-23-94)

NRS 293.463 states, "Employees may absent themselves from employment to vote: Procedure; penalty."

1. Any registered voter may absent himself from his place of employment at a time to be designated by the employer for a sufficient time to vote, if it is impracticable for him to vote before or after his hours of employment. A sufficient time to vote shall be determined as follows:

(a) If the distance between the place of such voter's employment and the polling place where such person votes is 2 miles or less, 1 hour.

(b) If the distance is more than 2 miles but not more than 10 miles, 2 hours.

(c) If the distance is more than 10 miles, 3 hours.

2. Such voter may not, because of such absence, be discharged, disciplined or penalized, nor shall any deduction be made from his usual salary or wages by reason of such absence.

3. Application for leave of absence to vote shall be made to the employer or person authorized to grant such leave prior to the day of the election.

4. Any employer or person authorized to grant the leave of absence provided for in subsection 1, who denies any registered voter any right granted under this section, or who otherwise violates the provisions of this section, is guilty of a misdemeanor."

284.586 Civil leave with pay to vote.

Civil leave with pay must be granted to allow an employee time off to vote subject to the conditions established in NRS 293.463.

[Personnel Div., Rule VII Section E subsec. 7, eff. 8-11-73] -- (NAC A by Dep't of Personnel, 10-26-84)

NRS 281.147 states, "Leave of absence for duty as American National Red Cross disaster technician."

Any public officer or employee of the state or any agency thereof, or of a political subdivision or an agency of a political subdivision, who is classified by the American National Red Cross as a disaster technician must be relieved from his duties, upon the request of the American National Red Cross and the approval of his employer, to assist the American National Red Cross during a disaster described in NRS 414.020 which occurs in this state or California, Oregon, Idaho, Utah or Arizona, without loss of his regular compensation for a period of not more than 15 working days in any calendar year. No such absence may be a part of the annual vacation of the public officer or employee which is provided for by law."

NRS 284.357 states, "Deduction from salary for service as volunteer fireman during working hours prohibited." All employees, whether in the classified or in the unclassified service of the state of Nevada, must be paid their salaries as fixed by law without diminution on account of any time spent away from state employment while acting as:

1. Volunteer firemen of any regular organized and recognized fire department in the protection of life or property;

2. Volunteer emergency medical technicians certified pursuant to chapter 450B of NRS; or

3. Volunteer reserve members of a police department or a sheriff's office, during working hours or fractions thereof which should otherwise have been devoted to state employment."

284.587 Civil leave with pay for acting as a fireman or meeting other emergency.

Civil leave with pay must be granted to an employee who meets the requirements of NRS 284.357, and may also be granted by the appointing authority to an employee whose absence from the job is necessary to meet a public emergency.

(Added to NAC by Dep't of Personnel, eff. 10-26-84)

NRS 284.345 states in part, "Regulations for attendance and leaves of absence;..."

1. ... the director shall prescribe regulations for attendance and leaves with or without pay or reduced pay in various classes of positions in the public service."

284.589 Administrative leave with pay.

1. An appointing authority may grant administrative leave with pay to an employee:
 - (a) To relieve him of his duties during the active investigation of a suspected criminal violation or the investigation of an alleged wrongdoing;
 - (b) For up to 2 hours to donate blood; or
 - (c) To relieve him of his duties until the appointing authority receives the results of a screening test pursuant to NRS 284.4065.
2. An appointing authority or the department of personnel may grant administrative leave with pay to an employee for:
 - (a) His participation in, or attendance at, activities which are directly or indirectly related to the employee's job or his employment with the state but which do not require him to participate or attend in his official capacity as a state employee; or
 - (b) Closure of the employee's office or worksite caused by a natural disaster or other similar adverse condition **when the employee is scheduled and expected to be at work. An appointing authority may designate certain employees as essential and notify them that they are required to report to work.**
3. An appointing authority shall grant administrative leave with pay to an employee for:
 - (a) The initial appointment and one follow-up appointment if the employee receives counseling through the employee assistance program;
 - (b) His attendance at a wellness fair which has been authorized by the risk management division of the department of administration;
 - (c) His participation in an official capacity as a member of a committee or board created by statute on which he serves as a representative of state employees. Such leave must be in lieu of other fees provided for attendance at meetings and participation in official functions of the committee or board; or
 - (d) Up to 8 hours for preparation for hearings regarding his suspension, demotion or dismissal as provided in subsection 1 of NAC 284.656.

(Added to NAC by Dep't of Personnel, eff. 10-26-84; A 8-28-85; 4-20-90; A by Personnel Comm'n, 8-1-91; A by Dep't of Personnel, 9-13-91; 12-26-91; 11-12-93; 3-23-94; 11-16-95)

NRS 281.1275 states in part, "Reduction in salary of certain public officers and employees for part-day absence from work prohibited; accounting for part-day absence; exception."

1. Except as permitted by the federal Family and Medical Leave Act of 1993, the salary of a public officer or employee of the state or any agency thereof, or of a political subdivision or any agency thereof, who is not entitled pursuant to federal or state law, local ordinance, or policy or contract of employment to earn overtime at the rate of time and one-half, must not be reduced for an absence from work for part of a day."

284.5895 Computation of leave for excluded classified and unclassified employees.

1. For the purposes of accounting for the use of leave appropriate to an absence, an absence of an excluded classified employee or excluded unclassified employee for a full workday shall be deemed to be an absence for a period equal to his regularly scheduled hours of employment on that workday.